

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Before the Honorable CARMEN E. GARZA

CRIMINAL CLERK'S MINUTES at Las Cruces
(by Zoom Videoconference)

Case Number:	21-MJ-88	Date:	1/28/2021	Recording Information:	LCR ORGAN
Clerk:	B. WILSON	Type of Hearing:		PRELIMINARY/DETENTION	

Defendant(s):	Attorney(s):	Appt'd.	Ret'd.
DAVID WILLIAM HILL	DANIEL RUBIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(TELEPHONIC)		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
Assistant U.S. Attorney:	DUSTIN SEGOVIA	Interpreter:	N/A
Pretrial Officer:	MONICA HOYLE	Court in Session:	9:41-9:53 A.M. 12 MIN

<input checked="" type="checkbox"/>	Court advises Defendant(s) of possible penalties and all constitutional rights
<input checked="" type="checkbox"/>	Waiver of preliminary hearing & right to grand jury presentment filed in open court
<input checked="" type="checkbox"/>	Defendant detained as a flight risk and danger to the community

<input checked="" type="checkbox"/>	Other: AUSA MOVING FOR DETENTION AS BOTH FLIGHT AND DANGER, DEFENDANT STATED IT WOULD BE EASY FOR HIM TO LIVE IN MEXICO, HAS A HOME IN JUAREZ, GIRLFRIEND IN JUAREZ, OWNS SEVERAL BUSINESS IN JUAREZ, CROSSING INTO MEXICO ON A WEEKLY BASIS, HOME IN HORIZON CITY IS 15 MINUTES FROM MEXICO, INCENTIVE TO FLEE, HAD NOT PAID INCOME TAXES IN AWHILE, EVEN BEFORE BEING CHARGED, FACING 10 YEAR MANDATORY MINIMUM SENTENCE, STRENGTH OF EVIDENCE, DEFENDANT HAS BEEN LINKED TO OTHER CONDUCT WITH INTERNATIONAL SMUGGLING ORGANIZATIONS, 10 ALIENS FOUND IN VEHICLE REGISTERED TO HIM, AND 96 ALIENS FOUND IN ANOTHER VEHICLE REGISTERED TO HIM, DEFENDANT CANNOT BE TRUSTED TO ABIDE BY ANY COURT ORDER, PRESENTS A DANGER TO COMMUNITY AND TO HIMSELF, TIES TO SMUGGLING ORGANIZATIONS, REPORTED THAT HE HAD THOUGHT OF SUICIDE AND ADMITTED TO PRETRIAL SERVICES THAT HE IS IN POSSESSION OF SEVERAL GUNS. DEFENSE REQUESTS COURT FOLLOW THE RECOMMENDATIONS OF PRETRIAL SERVICES, BELIEVES THERE ARE CONDITIONS THAT WILL ASSUAGE ALL OF THE CONCERNS POINTED OUT, DEFENDANT WANTS TO TEND TO HIS MULTIPLE BUSINESSES, WANTS TO FIND RESOLUTION OF CASE OUTSIDE OF CUSTODY, HAS BUSINESSES AND ASSETS IN THE U.S., IS A U.S. CITIZEN, IF HE FLEES TO MEXICO, HE WOULD NEVER BE ABLE TO RETURN, PRESUMPTION CASE, DEFENDANT IS 50 YEARS OLD, TWO VEHICLE RELATED ISSUES,
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MENTAL HEALTH ISSUES BEST ADDRESSED BY PRETRIAL, CLEARLY ELIGIBLE FOR SAFETY VALVE EVEN THOUGH A 10 YEAR MANDATORY MINIMUM, WILL NOT FLEE TO MEXICO TO AVOID A SHORT PRISON SENTENCE, GUNS CAN BE REMOVED, MEXICO BUSINESSES CAN BE TENDED TO BY SOMEONE ELSE FOR HIM SO HE DOES NOT NEED TO GO TO MEXICO AND HE AGREES TO ABIDE BY THAT, BOND IS EXCESSIVE, ASKS COURT TO PUT IN PLACE AN UNSECURED BOND. COURT FINDS THIS IS A PRESUMPTION CASE, CONCERN IS TO ASSURE HIS APPEARANCE AND DANGER TO COMMUNITY, BASED ON THE REPRESENTATIONS OF AUSA, WEAPONS, STRONG TIES TO MEXICO, NO SUITABLE THIRD PARTY, MENTAL HEALTH AND SUBSTANCE ABUSE CONCERNS, FIND HE IS A FLIGHT RISK AND DANGER.